

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES COTTON,

Plaintiff,

vs.

DOUGLAS COUNTY, NEBRASKA, and  
JACQUELINE ESCH, in her official  
capacity as a medical doctor of Defendant  
Douglas County, Corrections,

Defendants.

**8:16CV153**

**ORDER**

This matter is before the Court on the expiration of the deadline in this Court's Order to Show Cause (Filing No. 32).

On October 5, 2016, the defendants' Motions to Dismiss, brought pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, were granted. In lieu of dismissal, plaintiff James Cotton ("Cotton"), who at that time was represented by counsel, was granted until October 19, 2016 to file an Amended Complaint (Filing No. 23). On October 24, 2016, Plaintiff's counsel filed a Motion to Withdraw as attorney for Plaintiff (Filing No. 25), and the motion was granted on the same date (Filing No. 26).

On November 28, 2016, Cotton moved the Court for appointment of new counsel (Filing No. 27). That motion was denied on December 5, 2016 (Filing No. 28). On that same date, the Court granted Cotton an additional 28 days to file an Amended Complaint (Filing No. 28).

On December 23, 2016, Cotton filed yet another request for an extension of time to file his Amended Complaint (Filing No. 29). That motion was granted on January 20, 2017 (Filing No. 31), and Plaintiff was given another week, or until February 27, 2017, in

which to file an Amended Complaint. No Amended Complaint was filed by that deadline.

On March 8, 2017, Magistrate Judge Susan M. Bazis entered an Order to Show Cause (Filing No. 32). The Order required Plaintiff to show cause why the action should not be dismissed for failure to file an Amended Complaint in accordance with this Court's earlier order. No response to that Order to Show Cause has been received.<sup>1</sup>

Because Cotton has not filed an Amended Complaint (despite the many extensions provided) or responded to the Court's Order to Show Cause, this matter is hereby dismissed, in its entirety, without prejudice.

IT IS SO ORDERED.

Dated this 11th day of April, 2017.

BY THE COURT:

*s/ Robert F. Rossiter, Jr.*  
United States District Judge

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<sup>1</sup>The Show Cause Order (Filing No. 32) was mailed to Plaintiff at his last address, Douglas County Corrections, but was returned as undeliverable. Plaintiff has not updated his status or location with the Court. The Court notes that it would take the same action even if the Show Cause Order had not been filed, as the last extension order of February 27, 2017 (which was not returned and is therefore assumed to have been received) did not lead to the filing of an Amended Complaint.